HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.7411 OF 2004

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Between:

Freedom Fighters and Hyderabad Special
Screening Committee Recommended Candidates
Society, Regn. No.541/2004, Warangal, A.P.,
Rep., by its President B.Narotham Reddy
and another

……Petitioners

And

Union of India,
Ministry of Home Affairs,
Rep., by its Secretary
North Block, New Delhi
and two others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri V.V.N.Chary
for
Shri S.Niranjan Reddy

Counsel for Respondent Nos.1 and 2 : Shri A.Rajasekhar Reddy

Dated: 31-10-2006

This is a petition by Freedom Fighters and Hyderabad Special Screening Committee Recommended Candidates Society and Shri B.Narotham Reddy for issue of a mandamus to the Government of India to extend the benefit of Swatantrata Sainik Samman Pension Scheme, 1980 (for short' 'the 1980 Scheme') to all those whose cases were recommended by the Special Screening Committee.

A perusal of the record shows that the border camps in which the members of petitioner No.1 society and petitioner No.2 are said to have worked in connection with Hyderabad Liberation Movement were not recognized by the Government of India till July, 2004. The factum of recognition of 18 additional border camps is evinced from paragraph 14 of the affidavit of Shri S.D.Kaushik, Under Secretary in the Ministry of Home Affairs, Government of India.

Paragraph 31 of his affidavit further shows that the Government of India has also decided to reconsider the cases of the members of petitioner No.1 and petitioner No.2. For the sake of reference, paragraphs 14 and 31 of the affidavit of Shri S.D. Kaushik are reproduced below:

> "14. At the instance of Shri C.H.Rajeshwara Rao, ex-Chairman and other ex-Members of the Hyderabad Special Screening Committee, another 18 Border Camps were added (in July 2004) to the list of 98 Camps which had been earlier prepared by the Shroff Committee.
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> 31. It has been decided **in-principle** (on 16-6-2006) that a master list of all the cases referred to the Government of Andhra Pradesh for verification will be prepared by the Ministry and scrutiny of this list will be carried out at the field level jointly in conjunction with the concerned district authorities of the State Governments in order to identify eligible freedom fighters in consonance with the prescribed eligibility criteria. This exercise will be limited to the

recommendations made by the Rajeshwar Rao Committee alone and the issue of past sanctions will not be reopened."

I have heard learned counsel for the parties and perused the record.

Since the Government of India has recognised 18 additional border camps, it will be in the interests of justice to direct the concerned authority to scrutinise the claims of all those in whose favour recommendations have already been made by the Special Screening Committee constituted by the Government of India and decide the same within a specified time frame.

Hence, the writ petition is disposed of with the following directions:

1) Within a period of six months, the Government of India shall, in coordination with the Government of Andhra Pradesh, scrutinise the cases of all the persons in whose favour the Special Screening Committee have made recommendations for being treated as freedom fighters for the purpose of the 1980 Scheme and decide the same by recording reasons.

2) The decision taken by the competent authority shall be communicated to each of the candidates in whose favour recommendations had been made by the Special Screening Committees constituted by the Government of India.

3) Such of the claimants who are found eligible and entitled to be treated as freedom fighters be granted pension in accordance with the extant policy.

G.S. SINGHVI, CJ

31-10-2006

Note: The Court Officer is directed to give attested copies of this order to the learned counsel for the parties.

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